

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS –Land Acquisition – AMRP – Nalgonda District - Damaracheruvu (Village and Mandal) - O.P.Nos.57/04 and 59/04 - Sanction of decretal amount of **Rs.3,32,52,161/-** Orders - Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 819

DATE:24.10.2009

Read:

From the Secy.to CCLA, AP, Hyderabad Lr.No.G3/814/09, dt:13.07.09
along with the letter of the District Collector, Nalgonda.

O R D E R:

The Secretary to the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the District Collector, Nalgonda has submitted the proposal for sanction of decretal charges in respect of O.P.Nos.57/04 and 59/04 pertaining to Damaracheruvu (Village and Mandal) of Nalgonda District. The then Revenue Divisional Officer, Miryalaguda had acquired an extent of Ac.159.08 gts under submergence of Bairavani Cheruvu situated in the limits of Damaracherla (V) of Nalgonda District by fixing the market value @Rs.12,500/- per acre vide Award dt:24.11.1992. Aggrieved by the order, the Awardees have filed U/s.18 of L.A.Act. The Sr.Civil Judge, Miryalaguda delivered the judgment on 26.08.2000 by enhancing the compensation from @Rs.12,500/- to Rs.55,000/- per acre and the claimants are not entitled for 12% AMV and allowed 30% solatium and interest 9% for one year from the date of the possession of the land i.e from 08.02.1971 to 08.02.1972 and thereafter 15% interest till the realization of amount. Aggrieved with the orders, the LAO preferred appeal in Hon'ble H.C of A.P, Hyd in A.S.No.3286/2000. The Hon'ble H.C has delivered the judgment on 19.07.2002 and confirmed the orders of the Sr.Civil Judge, Miryalaguda, duly modifying the interest. The claimants are entitled to interest at 4% per annum from 08.02.1971 till 30.04.1982 and thereafter @9% for one year and thereafter 15% till the date of realization. But, there is no order with regard to payment interest on solatium. Aggrieved with the orders, the Govt.have filed SLP in the Hon'ble Supreme Court of India, New Delhi in CA No.7881/2003 and the SLP was dismissed on 22.08.2008. In the meantime, the decree holders have filed E.P.No.93/2008 in O.P.No.59/1994.

2) After careful examination of the matter, Government hereby accord administrative sanction for an amount of **Rs.3,32,52,161/- (Rupees Three crores thirty two lakhs fifty two thousand one hundred and sixty one only)** towards decretal charges in respect of O.P.Nos.57/04 & 59/04 pertaining to Damaracheruvu (Village and Mandal) of Nalgonda District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filling of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The District Collector, LA, Nalgonda District is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.Nos.57/04 and 59/04 for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "2701 – Capital outlay on Major and Medium Irrigation–01 – Major Irrigation (Commercial) – M.H.127 – SLBC – SH (27) – Canals and Distributaries – 530 – Major works - 532 (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.3996/F.5 (A1)//2009-1, dated 15.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The District Collector, Nalgonda District
The Engineer-in-Chief, Irrigation, Erramanzil, Hyderabad.
The Land Acquisition Officer/RDO, Miryalaguda, Nalgonda District.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.19753/LA-III(A2)/2009
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER